REMARKS

Applicant contends that the amendments herein are supported by the specification as filed and, thus, do not constitute new matter.

Rejections Under 35 U.S.C. § 112

Claims 1-13 and 24 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 24 is canceled hereby.

The Office Action requested further definition regarding what method/process Applicant is intending to encompass. The Office Action further requested clarification of the recipient of the method. With regard to claim 11 specifically, the Office Action requested clarification regarding "modified castor oil."

Applicant has amended claims 1, 2, 3, 10, 11 and 13 for clarity. In particular, Applicant has amended claim 1 to recite, "A method for the prevention and treatment of incidental or post-surgical trauma pathologies of the anterior chamber of the eye comprising administering to a patient, via topical ophthalmic application, a collyrium medicament comprising coenzyme ubiquinone Q10." Applicant has also amended claim 11 to recite "polyoxyethylene-modified castor oil" in place of "modified castor oil." Applicant contends this modification of castor oil is supported by the specification in claim 13, at page 17, line 35 through page 18, line 3, and elsewhere. In view of these amendments and amendments to remaining claims, Applicant believes the claims particularly point out and distinctly claim subject matter that Applicant regards as within the scope of the invention. Applicant thus respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, and allowance of claims 1-13.

Rejections Under 35 U.S.C. § 103

Claims 1-10 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over International Patent Application WO 99/11242. Claim 24 is canceled hereby.

Claim 1 has been amended to recite application of the medicament via topical ophthalmic application. The cited reference uses a capsule containing liposomes, which in turn contain biologically encapsulated material to be administered orally. The reference further states that its system can be administered orally, intra-occularly, intranasally, rectally or vaginally. WO 99/11232, Abstract. Applicant contends that the reference does not teach or suggest topical ophthalmic application of a collyrium medicament comprising coenzyme ubiquinone Q10 as recited in Applicant's claims. Accordingly, Applicant contends that the claims as amended are patentably distinct from the cited reference. Applicant thus respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and allowance of claims 1-10.

Allowable Subject Matter

Applicant acknowledges the Examiner noted that claims 11-13 appear to be free of the art.

CONCLUSION

Claims 1, 2, 3, 10, 11 and 13 are amended herein. Claim 24 is canceled hereby.

In view of the above amendments and remarks, Applicant respectfully submits that the claims are in condition for allowance and requests reconsideration of the application and allowance of all pending claims.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at direct dial (612) 312-2204.

Respectfully submitted,

Date: 21 FEB 03

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Once amended) A method for the prevention and treatment of incidental or post-surgical trauma pathologies[, or incidental or post-surgical trauma,] of the anterior chamber of the eye comprising [use of]administering to a patient, via topical ophthalmic application, a collyrium medicament comprising coenzyme ubiquinone Q10.

2. (Once amended) The method according to claim 1, wherein [said treatment] the prevention and treatment of incidental or post-surgical trauma comprises prevention and treatment of corneal haze following corneal trauma, general surgery and refractive surgery; prevention of regression of corrective effects after operation of refractive surgery performed by conventional surgery or by laser radiation; and eye protection against damage determined by solar light and ultraviolet radiation.

3. (Once amended) The method according to claim 2, wherein [said treatment] the prevention and treatment of incidental or post-surgical trauma is directed to protect eye cells against reversible or irreversible damage induced by said surgical operation [and, or]and/or laser and by exposure to solar and ultraviolet radiation.

10. (Once amended) The method according to claim 3, wherein said medicament is administered to the patient via topical ophthalmic application to the cornea and wherein said medicament comprises a composition [for topical administration to the cornea,] including ubiquinone Q10 in a quantity effective to said treatment and a pharmaceutically compatible vehicle.

11. (Once amended) The method according to claim 10, wherein said vehicle is an aqueous solution of a mixture comprising: a block copolymer of hydrophilic ethylene oxide and lipophilic propylene oxide, having a prevailing proportion of polyoxyethylene, an average molecular weight between 10,000 and 13,000 Dalton and a HLB value higher than 15; and a polyoxyethylene-modified castor oil.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

13. (Once amended) The method according to claim 11 or 12, wherein said polyoxyethylene-modified castor oil is polyethylene glycol glyceryl-triricinoleate.